

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 50623.360

First Inventor John Y. Yan

Title A Medicated Porous Metal Prosthesis and A Method of Making The Same

Express Mail Label No. EV 337 974 480 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Mail Stop Patent Applications
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 28]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath/Declaration/Power of Attorney [Total Pages 3]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☒ Copy of Assignment Papers (cover sheet &
document(s)) (4 pages)
10. ☐ 37 C.F.R. §3.73(b) Statement
(when there is an assignee) ☒ Copy of Power of
Attorney By
Assignee of Entire
Interest (2 pages)
11. ☒ Fee Transmittal
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS
Citations
13. ☒ Notice of Change of Address (1 page)
14. ☒ 2 Return Receipt Postcards (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: Communication (1 page)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)of prior application No: 10/235,033

Prior application information:

Examiner Michael H. ThalerGroup / Art Unit: 3731

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name Paul J. Meyer, Jr.

Address Squire, Sanders & Dempsey L.L.P.
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Country USA

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Name (Print/Type)

Paul J. Meyer, Jr.

Registration No. (Attorney/Agent)

47,791

Signature

Date

January 28, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the
amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

San Francisco/I 16394.

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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1634.00**Complete if Known**

Application Number	New - Divisional of 10/235,033
Filing Date	Herewith
First Named Inventor	John Y. Yan
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	50623.360

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☒ Deposit Account:Deposit
Account
Number 07-1850Deposit
Account
Name Squire, Sanders & Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	770.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 770.00**2. EXTRA CLAIM FEES**

Total Claims		Independent Claims		Multiple Dependent		Extra Claims		Fee from below		Fee Paid	
	40		20		20		18		360		
	9		3		6		84		504		
							140				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 864.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) _____**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Paul J. Meyer, Jr.	Registration No. Attorney/Agent)	47,791	Telephone	(415) 954-0200
Signature				Date	January 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Unassigned

John Y. Yan

Serial No.: New

Art Unit: Unassigned

Filed: Herewith

Title: A Medicated Porous Metal Prosthesis and A Method of Making the Same

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Dear Examiner:

The copy of the oath and declaration is for the enclosed divisional application and is a copy from the prior application having serial number 08/837,993. Additionally, enclosed is a copy of the Notice of Change of Address and Power of Attorney by Assignee of Entire Interest forms that were filed with application serial number 09/797,313, which was a division of application serial number 08/837,993.

If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned at (415) 954-0345.

Date: January 28, 2004

SQUIRE, SANDERS & DEMPSEY L.L.P
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0200

Respectfully submitted,



Paul J. Meyer, Jr.
Attorney for Applicant
Reg. No. 47,791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Y. Yan

Assignee: Advanced Cardiovascular Systems, Inc.

Title: METHOD OF MANUFACTURING A MEDICATED POROUS METAL
PROSTHESIS

Serial No.: 09/797,313

Filed: March 1, 2001

Examiner: Marc Jimenez

Group Art Unit: 3726

Docket No.: 50623.182

Former Docket No.: 56631

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

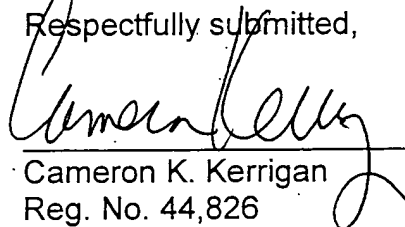
NOTICE OF CHANGE OF ADDRESS

Examiner:

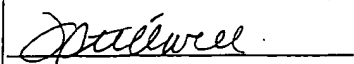
Please direct all correspondence in the above-identified application and with respect to any patent that issues on this application to the undersigned at this address:

Cameron Kerrigan
SQUIRE, SANDERS & DEMPSEY L.L.P.
One Maritime Plaza, Suite 300
San Francisco, California 94111-3492
Telephone: 415.954.0323

Respectfully submitted,


Cameron K. Kerrigan
Reg. No. 44,826

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, Washington, D.C. 20231.

 9/3/02
Signature of Person Mailing Paper Date of Signature